



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,807	10/22/2003	Richard Brown	OD05/02	9442

49716 7590 08/18/2005

EDWARD P. DUTKIEWICZ, ESQ.
EDWARD P. DUTKEIWICZ, P.A.
640 DOUGLAS AVENUE
DUNEDIN, FL 34698-7001

EXAMINER

WOLFE, DEBRA M

ART UNIT	PAPER NUMBER
----------	--------------

3725

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,807

Applicant(s)

BROWN ET AL.

Examiner

Debra Wolfe

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.



DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

1. The abstract of the disclosure is objected to because it is unclear what an "intermediate cylindrical". It is suggested to add the word "component" after "intermediate cylindrical."

Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

1. Page 11, line 10 remove the space between "th" and "is" to make it read "this"
2. Page 13, line 17 replace "form" with "from"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as



the invention. Claim 2 states "an interior cylindrical component composed of a beam adapted to apply pressure to the beam to remove the work piece," it is unclear what beam the applicant is claiming and how it is capable of being adapted to itself to apply pressure to itself.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orloff in view of Official Notice. Orloff discloses a cold forming die construction having a work piece (10), an interior cylindrical component (pin, 40), an intermediate cylindrical component comprised of an interior flange (84) and an exterior pair of semi-conical moldings (die, 68), an exterior cylinder housing comprised of a die holder (50) that is adapted to receive the die (68) and a casing (28) having bores for the movement of the three radial spaced cylindrical control arms (knockout pins 100). Orloff appears to disclose three radial spaced control arms (knockout pins, 100) and claim



two requires four radial spaced control arms, however the number of radial spaced control arms (knockout pins, 100) would have been obvious to one of ordinary skill in the art to optimize by routine experimentation for any particular strength requirements to move the molding arms.

Allowable Subject Matter

1. It is the opinion of the examiner that the art of record (considered as a whole) neither anticipates nor renders obvious "an interior cylindrical component being composed of a central inner beam, a central outer beam and coupled with a first spring, the spring being adapted to apply pressure to the outer beam to remove the work piece following manipulation and being controlled by pressure applied to the inner beam; an intermediate cylindrical component adapted to house the interior cylindrical component and having four radially spaced cylindrical control arms extending inwardly , an interior flange and exterior pair of semi-conical molding arms having a coaxial groove adjacent to a perpendicular recess within the molding arms and being adapted to receive the work piece when extended and forming the work piece when retraced; an exterior housing having a cylindrical configuration with an inner edge, an outer edge and a hollow interior being adapted to house the interior component and the intermediate component, the interior edge having a plurality of bores and a conical recess being adjacent to the exterior edge and terminating with a ledge, the conical recess being adapted to receive the molding arms of the intermediate cylindrical component; a second spring adapted to rest upon the interior flange of the intermediate component and the ledge of the exterior housing forcing the molding arm to retract, when pressure is applied to the four control arms of the intermediate component the second spring is compressed and the molding arms are extended, pressure applied to the inner beam of the interior component while the molding arms are extended will cause the outer beam



to remove the working piece; and an interior end plate of a cylindrical configuration being adapted to be coupled to the bores on the inner edge of the exterior housing with a plurality of screws, the end plate having a central aperture to allow the passage of the inner beam of the interior component and four radially spaced apertures to allow the passage of the control arms of the intermediate component, the end plate allows the system to be controlled by the exterior sources without affecting the internal parts" in combination with the rest of the claimed limitations set forth in the independent claim.

Further searching by the examiner yielded additional prior art as follows:

2. Orloff discloses a cold forming die construction having a work piece (10), an interior cylindrical component (pin, 40), an intermediate cylindrical component comprised of an interior flange (84) and an exterior pair of semi-conical moldings (die, 68), an exterior cylinder housing comprised of a die holder (50) that is adapted to receive the die (68) and a casing (28) having bores for the movement of the three radial spaced cylindrical control arms (knockout pins 100). The number of radial spaced control arms (knockout pins, 100).

3. However the above cited prior art fails to disclose an "interior beam composed of a central inner beam, a central outer beam and a first spring; an intermediate cylindrical component having four radially spaced cylindrical control arms, an exterior pair of semi-conical molding arms having a coaxial groove adjacent to a perpendicular recess within the molding arms; a second spring adapted to rest upon the interior flange of the intermediate component and the ledge of the exterior housing; and an interior end plate of a cylindrical configuration being adapted to be coupled to the bores on the inner edge of the exterior housing with a plurality of



screws, a central aperture and four radially spaced apertures.” Therefore, it is concluded by the examiner that claim 1 of the present invention is allowable subject matter.

4. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

1. The prior art made of record and not relied upon is considered to show the state of the art of applicant's disclosure.

1. U.S. Patent # 5,606,887 to Spiegelberg et al.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached on Monday - Thursday 6am - 3:30pm with alternating Fridays 6am – 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Application/Control Number: 10/690,807
Art Unit: 3725

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra Wolfe
Examiner
Art Unit 3725

A handwritten signature in purple ink, appearing to read "D. Banks", is written over a horizontal line.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700